

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY FABRICANT,

Plaintiff,

Case No. 23-cv-11111

Hon. Matthew F. Leitman

v.

DAVID ALLEN CAPITAL, INC.,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF’S MOTION FOR
DEFAULT JUDGMENT (ECF NO. 17) AND PLAINTIFF’S MOTION FOR
CLASS CERTIFICATION (ECF NO. 18)**

On June 21, 2024, the Court held hearing on two motions: Plaintiff’s Motion for Default Judgment (ECF No. 17) and Plaintiff’s Motion for Class Certification (ECF No. 18). For the reasons stated on record, both motions are **DENIED WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that Plaintiff shall serve the Court’s order dated November 20, 2023, titled “Order (1) Granting Plaintiff’s Motion to Strike (ECF No. 10), (2) Striking Defendant’s Motion To Dismiss (ECF No. 8), And (3) Directing Defendant To Obtain Counsel” (ECF No. 12), on Defendant at the following addresses:

- David Rutz, Registered Agent for David Allen Capital, Inc., 1015 Troon, Highland, MI 48357

- David Allen Capital, Inc., 510 Highland Ave, #411, Milford, MI 48381

IT IS FURTHER ORDERED that Plaintiff may take discovery concerning class certification and class damages until December 20, 2024.

IT IS FINALLY ORDERED that Plaintiff may renew the Motion for Default Judgment (ECF No. 17) and the Motion for Class Certification (ECF No. 18), following completion of the class discovery period. When Plaintiff refiles the motions, Plaintiff shall serve them on all of the following:

- David Rutz, Registered Agent for David Allen Capital, Inc., 1015 Troon, Highland, MI 48357;
- David Allen Capital, Inc., 510 Highland Ave., #411, Milford, MI 48381; and
- David Allen Capital, Inc., 525 N. Main Street #270, Milford, MI 48381

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 24, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 24, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126